

REMARKS

Claims 14-50 are now present in this application.

Claims 14-35 are withdrawn, and claims 36 and 43 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Initially, there are three issues from the June 5, 2003 Amendment which have not yet been addressed by the Examiner.

February 7, 2001 Information Disclosure Statement

First, an Information Disclosure Statement was filed in the above-identified application on February 7, 2001. Another copy of this Information Disclosure Statement, along with a copy of the Swedish document cited therein, is attached hereto. Also attached herewith is a copy of the postcard receipt confirming that the U.S. Patent and Trademark Office received this Information Disclosure Statement on February 7, 2001. Because this Information Disclosure Statement was timely filed, no fees should now be necessary.

Notification of receipt of this Information Disclosure Statement by the Examiner, as well as consideration of the Swedish document cited therein, are respectfully requested.

October 24, 2000 Letter to the Official Draftsperson

The second issue concerns that ten (10) sheets of formal drawings from the October 24, 2000 Letter to the Official Draftsperson. These drawings have been represented in the instant Amendment. A copy of a date-stamped postcard evidencing receipt of these drawings by the U.S. Patent and Trademark Office on October 24, 2000 is attached hereto. **Notification of receipt of these drawings, as well as approval of these drawings by the Examiner and Official Draftsperson are respectfully requested.**

October 24, 2000 Certified Copy of the Priority Document

The third issue concerns the certified copy of the priority document which was submitted on October 24, 2000. A copy of the postcard receipt and a copy of the Letter submitting this certified copy are attached herewith. **Notification of receipt of the certified copy and acknowledgement of the claim for priority are respectfully requested.**

From the September 5, 2003 Office Action, claims 36-41, 45 and 50 stand rejected under 35 USC 103 as being unpatentable over WILD, WO 89/12006, in view of MEAD et al., U.S. Patent 3,186,625, IKEDA et al., U.S. Patent 4,454,979, RUTTER et al., U.S. Patent

4,981,374, and WILD, European document 380107. This rejection is respectfully traversed.

Claims 42, 43 and 49 stand rejected under 35 USC 103 as being unpatentable over WILD '006 in view of MEAD et al., AKEDA et al., RUTTER et al., and WILD '107, and further in view of OSTENDORF, European document 524,487. This rejection is respectfully traversed.

Claim 44 stands rejected under 35 USC 103 as being unpatentable over WILD '006, MEAD et al., AKEDA et al., RUTTER et al., WILD '107, OSTENDORF, and further in view of SAITO et al., European document 539,800. This rejection is respectfully traversed.

Claims 46-48 stand rejected under 35 USC 103 as being unpatentable over WILD '006, MEAD et al., AKEDA et al., RUTTER et al., and WILD '107, and further in view of BUICHAMAN et al., WO 98/00286, JENSEN et al., U.S. Patent 4,020,607. AESBACH et al., WO 95/31329, SPIES, U.S. Patent 3,604,491, and TOYOSHIMA, Japanese document 3-289451. This rejection is respectfully traversed.

It is noted that the rejection of the independent claim relies upon five different rejections. Other rejections rely upon even more reference. For example, the rejection of claims 46-48 utilized ten different references. While there is certainly no limit on the number of references an Examiner can use, it is questioned whether

the prior art would, in fact, teach the container as recited in these claims. It is submitted that the Examiner has relied upon hindsight in order to reconstruct multiple references in order to arrive at the claimed invention.

Nonetheless, turning to independent claim 36, this claim recites a container with walls including two opposed side walls and an interconnected bottom wall. Also, the container has duct means, which is formed between the two side walls and extends from the compartment to the outside of the container. This duct means is centrally arranged on the opposite side of the container in relation to the bottom wall. Also, carrying means are provided in the connecting portion.

With the combination of elements from claim 36, a container is obtained which is well balanced, allowing smaller misalignments between the duct means and, for instance, a filling nozzle during the filling of the container. The central position of the duct means furthermore reduces any tipping risk of the container due to such misalignments. Consequently, the container is easy to handle both during filling and emptying the compartment of the container. The carrying means also make handling of the flexible container easier both in an empty and filled state. In addition, the first terminal edge of the extending duct means is removed before filling and a new terminal edge is formed after filling the seal of the container.

As explained above, it is questioned whether there is sufficient teaching to combine the divergent references noted by the Examiner. Even assuming, *in arguendo*, that such modifications can be made, the prior art might disclose a container having carrying means and the duct means not located centrally, or a container not having carrying means and the duct means substantially arranged centrally. Nonetheless, the combination of centrally arranged duct means, carrying means and the sealing of the terminal edge are not found in the prior art.

It is respectfully submitted that one of ordinary skill in the art would not attempt to modify the containers of the prior art as has been proposed by the Examiner. Nonetheless, even if such a combination were done, the claimed combination of the present application would neither be suggested nor rendered obvious. Accordingly, it is respectfully requested that all 35 USC 103 rejections now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This Amendment should overcome the current grounds of rejection and therefore simplify the issues for Appeal. Nonetheless, it should be

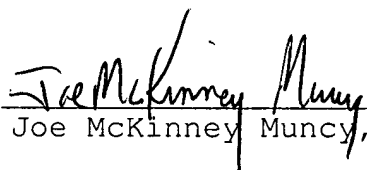
unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)